



## Bradford Reclamation District 2059

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*Delivery via e-mail*  
July 1, 2015

### **Re: Delta Levee Investment Strategy EIR**

Ms. Messer,

Reclamation District 20159, Bradford Island ("RD 2059"), is a reclamation district formed under sections 50000 et seq. of the California Water Code. RD 2059 is located in the unincorporated area of Contra Costa County, and is one of the Eight Western Delta Islands recognized as critical for protecting water quality in the Delta Flood Protection Act of 1988. The District maintains approximately seven miles of levees surrounding Bradford Island.

The District provides the following comments to the Notice of Preparation for the Program EIR for the Delta Levee Investment Strategy Policy. In creating policy that will dictate State spending for Delta levees, it must be recognized that the levees protect, at a minimum, all of the following:

- Public health and safety
- Private residences and personal property
- Farms and businesses
- Wildlife and habitat (including the role of Delta lands as wintering habitat for waterfowl of the Pacific Flyway)
- Infrastructure (including highways, railroads and utilities)
- Water supply and water quality
- Cultural and historical resources
- Natural resources
- Navigation

Simply using a valuation of land and assets protected by a levee system to dictate an investment strategy,<sup>1</sup> alone, ignores many of the critical resources listed above. This fact was recognized in the Johnson-Baker-Andal-Boatwright Delta Protection Act of 1992 (“Act”), whereby the Act found and declared: “...*the Sacramento-San Joaquin Delta is a natural resource of statewide, national, and international significance, containing irreplaceable resources, and it is the policy of the state to recognize, preserve, and protect these resources for the use and enjoyment of current and future generations.*”

The Act recognized the need to preserve agricultural and undeveloped lands within the Delta, not only for the intrinsic economic value of those lands, but also the value as open space and habitat, which are not readily monetized. In preparing the EIR, proposing a levee investment strategy which relies primarily on land and asset values would not properly account for the myriad environmental effects to these resources, and would be legally deficient.

Further, it must be recognized that many levees that protect the above mentioned resources, but that do not necessarily have a high monetary value attributed to those resources, are maintained by local districts that do not have the funds or ability to raise funds necessary to improve those levees or participate in subventions or other cost-sharing programs. This is because these local districts are funded solely by landowner assessments, which are limited by the procedural and legal constraints of Proposition 218, and such districts lack residential, commercial, and/or industrial development which would provide a greater economic base, and in turn, the ability to generate the necessary revenue. Primary reliance on these local districts to fund levee improvements, in whole or in part, disregards the fact that there are other, out of district beneficiaries that receive a direct benefit in improvements made to these levees. Therefore, the EIR must address these “pass through” benefits that would occur as a result of State investment, as well as the impacts that would result in reduced or total lack of investment in these levees.

Any investment policy that promotes a “no restoration” approach in the event of a levee breach must adequately support, with accurate scientific data, the consequences that would result from a failure to restore, especially with respect to water quality and supply. The failure to maintain Franks Tract and Little Franks Tract levees have a major impact on salinity intrusion to the interior of the Delta. This is a major reason the state deemed the Emergency Salinity Barrier installed at West False River “necessary” to prevent further salinity intrusion. The Barrier, in turn, has had very significant environmental impacts on Bradford Island, namely: drastically increased water velocities that make Bradford Island inaccessible by Ferry during times of tide change; increased water velocities causing scouring of the District levees and erosion of tulle berms; destruction of private property; disturbance of endangered species’ habitat and possible unpermitted “take” of Giant Garter Snake specimens; and introduction of non-native

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<sup>1</sup> As is suggested in the Delta Stewardship Counsel’s January 2015 Memorandum entitled “State Investments in Delta Levees: Key Issues for Updating Priorities,” at p. 21  
([http://deltacouncil.ca.gov/sites/default/files/2015/01/15-0109\\_Levee\\_Investment\\_Strategy\\_Issue\\_Paper.pdf](http://deltacouncil.ca.gov/sites/default/files/2015/01/15-0109_Levee_Investment_Strategy_Issue_Paper.pdf))

ground squirrels and possibly other vermin. Any policy which includes an election to “not restore” must fully identify and address the environmental “ripple effects” that may be caused by that policy.

Respectfully submitted,

RECLAMATION DISTRICT 2059, BRADFORD ISLAND

*Cate Kuhne*

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President, Board of Trustees

CC: Angelia H. Tant - District Secretary/Manager